

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: November 28, 2011

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Project # 2011-31

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were

identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. **American Electric Power**
American Electric Power – Falling Branch-Merrimac 138 kV Transmission Line.
2. **2011 General Obligation School Bond Sale**
Courtney Rogers, Financial Advisor, will update the Board of Supervisors on the recent bond sale of \$98 million for school capital projects.

VIII. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

IX. PUBLIC HEARING

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised on October 25, 2011 and November 2, 2011 in the News Messenger:

1. Agricultural and Forestal District - #2 Renewal
AFD District #2 (Catawba) is located approximately 0.75 miles to the northeast from the intersection of Harding Rd. (SR 785) and Lusters Gate (SR 729) and extends along Catawba Rd. (SR 765) for approximately 6.6 miles to the Roanoke County line. AFD 2 currently consists of 30 property owners and 6,341 acres. See TAB A.

X. PUBLIC ADDRESS

XI. ADDENDUM

XII. CONSENT AGENDA

XIII. OLD BUSINESS

**A. SUBJECT: ORDINANCE AMENDING CHAPTER 2,
DIVISION 5, SECTION 2-107 TAX
EXEMPTION AND DEFERRALS FOR THE
ELDERLY AND HANDICAPPED**

**ORD-FY-12-
AN ORDINANCE AMENDING CHAPTER 2, DIVISION 5, SECTION 2-107
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA
ENTITLED TAX EXEMPTION AND DEFERRALS FOR ELDERLY AND
HANDICAPPED BY INCREASING THE NET COMBINED FINANCIAL WORTH AND
THE INCOME LIMITS TO BE ELIGIBLE FOR RELIEF**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Division 5, Section 2-107 of the Code of the County of Montgomery, Virginia entitled Tax Exemption and Deferrals for Elderly and Handicapped shall be amended and reordained as follows:

Sec. 2-107. Established; restrictions and conditions.

(a) The board of supervisors of the county hereby provides for the exemption from or deferral of taxation of real estate, and manufactured homes as defined in Code of Virginia, § 36-85.3, or any portion thereof, owned by and occupied as the sole dwelling of a person not less than sixty-five (65) years of age, and providing the same exemption for such property of a person who is determined to be permanently and totally disabled as provided in subsection (e) of this section, subject to the following restrictions and conditions:

(1) That the total combined income during the immediately preceding

calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~forty five thousand dollars (\$45,000)~~ fifty thousand dollars (\$50,000) provided that the first ten thousand dollars (\$10,000.00) of income of each relative other than the spouse of the owner who is living in the dwelling and the first ten thousand dollars (\$10,000.00) of income for an owner who is permanently disabled shall not be included in such total.

- (2) That the net combined financial worth, including the present value of all equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and furnishings in the dwelling including furniture, household appliances and other items typically used in a home and the land, not exceeding one (1) acre, upon which it is situated does not exceed one hundred ~~twenty five~~ fifty thousand dollars (~~\$125,000~~ \$150,000).
- (3) That the person or persons claiming such exemption files annually no later than the first day of March of the taxable year with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit or written statement setting forth the names of the related persons occupying such real estate; that the total combined net worth, including equitable interests, and the combined income from all sources of the person as specified in paragraph (1) of this subsection does not exceed the limits prescribed in this section. If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the Commonwealth or who are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled as defined in subsection (e); however, a certification pursuant to 42 U.S.C. § 4-23(d) by the Social Security Administration so long as the person remains eligible for such Social Security benefits shall be deemed to satisfy such definition in subsection (e). The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in subsection (e). Such certification, written statement, or affidavit shall be filed after the first day of January of each year, but before the first day of April of each year, for the permanently and totally disabled, for hardship cases, and for the first time applicants. The commissioner of

the revenue has the discretion to accept late filings of first time applicants or for hardship cases until the thirty-first day of December of the taxable year. The commissioner of the revenue of the county shall make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath to determine qualifications as specified in this section, including qualifications as permanently and totally disabled as defined in subsection (e) and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling. The commissioner of the revenue of the county is hereby empowered, in addition to require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

(b) Such exemptions may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title, or partial title, thereto reaches the age of sixty-five (65) years or for any year following the date the disability occurred. Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. The amount of exemption of the real estate tax for qualified persons shall be determined by the following table:

<i>Annual Income</i> <i>(Calendar Year)</i>	<i>For Qualified Persons the Percentage of</i> <i>Tax Which May Be Exempted</i>
\$0-- \$28,800 <u>\$32,000</u>	100%
\$28,801--\$36,000 <u>\$32,001-\$40,000</u>	60%
\$36,001--\$45,000 <u>\$40,001-\$50,000</u>	40%

(c) The person or persons qualifying for and claiming deferral shall be relieved of real estate tax liability levied on the qualifying dwelling and land up to an amount equal to one hundred (100) percent of this liability, the amount to be deferred to be elected by the claimant. If a deferral of real estate taxes, the accumulated amount of taxes deferred shall be paid without penalty or interest to the county by the vendor upon the sale of the dwelling, or from the estate of the decedent within one (1) year after the death of the last owner thereof who qualified for tax deferral by the provisions of this section. Such deferred real estate taxes shall constitute a lien upon such real estate as if they had been assessed without regard to the deferral permitted by this section. Any such lien shall, to the extent that it exceeds in the aggregate ten (10) percent of the price for which such real estate may be sold, be inferior to all other liens of record.

(d) The board of supervisors of the county hereby deems those persons falling within the limits and conditions provided in subsections (a) and (b) of this

section to bearing an extraordinary tax burden on the real estate described in this section in relation to their income and financial worth.

(e) For the purposes of this division, a person is permanently and totally disabled if he or she is so certified as required in paragraph (a)(3) of this section and is found by the commissioner of the revenue of the county under paragraph (a)(3) to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

This change in income limits shall be effective for the ~~2011~~ 2012 tax year and beyond unless amended.

ISSUE/PURPOSE	To amend Chapter 2, Division 5, Section 2-107 of the Code of Montgomery County, Virginia.
JUSTIFICATION:	In 2008 it was recommended to increase the income limits by increments of \$5,000 annually moving toward the state maximum of \$50,000, for the elderly and disabled as consideration of exemption or deferral of real estate taxation. This ordinance amendment would increase the income limit from \$45,000 to \$50,000 and also increases the net combined financial worth from \$125,000 to \$150,000. The change shall be effective for the 2012 tax year.

XIV. NEW BUSINESS

**A. SUBJECT: PERFORMANCE AGREEMENT
 BACKCOUNTRY.COM**

**R-FY-12-
RESOLUTION APPROVING GOVERNOR'S
DEVELOPMENT OPPORTUNITY FUND PERFORMANCE AGREEMENT
FOR BACKCOUNTRY.COM PROJECT**

WHEREAS, The County of Montgomery has been awarded a \$300,000 Governor's Development Opportunity Fund Grant ("the GOF Grant") through the Virginia Economic Development Partnership Authority to be used to induce BackCountry.com to construct a facility in Montgomery County, Virginia; and

WHEREAS, The County of Montgomery, Virginia ("the County") will forward the GOF Grant to the Economic Development Authority of Montgomery County, Virginia ("the Authority") who in turn will provide the funds to BackCountry.com; and

WHEREAS, The Commonwealth of Virginia, requires the County, the Authority and BackCountry.com to enter into a Performance Agreement to set forth the terms and conditions of receiving the GOF Grant; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia hereby desires to enter into the Governor's Development Opportunity Fund Performance Agreement with the Authority and BackCountry.com dated November 15, 2011, in order to accept the GOF Grant on behalf of the Authority and BackCountry.com.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Governor's Development Opportunity Fund Performance Agreement by and between the County, the Authority and BackCountry.com dated November 15, 2011; and

BE IT FURTHER RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes F. Craig Meadows, County Administrator to execute the Governor's Development Opportunity Fund Performance Agreement on behalf of the County of Montgomery.

ISSUE/PURPOSE: To approve the Governor's Development Opportunity Fund Performance Agreement.

JUSTIFICATION: The County was awarded a \$300,000 Governor's Development Opportunity Fund Grant through the Virginia Economic Development Partnership Authority to be used to induce BackCountry.com to construct a facility in the County. A Performance Agreement is required in order to receive the funds. See TAB E for a copy of the Governor's Development Opportunity Fund Performance Agreement

B. SUBJECT: RESOLUTION OF APPRECIATION – SUPERVISOR DOUG MARRS

**R-FY-12-
RESOLUTION OF APPRECIATION
DOUG MARRS**

WHEREAS, DOUG MARRS has served the citizens of Montgomery County as the representative of District B with dedication and integrity since January 1, 2004 with his first term on the Board of Supervisors, and from January 1, 1996 to December 31, 2003 as Sheriff of Montgomery County; and

WHEREAS, Doug Marrs served as the Vice Chair of the Board of Supervisors in 2008; and

WHEREAS, From 2004 to 2011 **Doug Marrs** has served on the Public Service Authority, the Roads Committee, and the Road Viewers Board; and

WHEREAS, Doug Marrs has been an active participant in the Virginia Association of Counties (VACo) and served on VACo's Finance and Transportation Steering Committees; and

WHEREAS, Doug Marrs has represented Montgomery County on various boards and commissions including the Metropolitan Planning Organization (MPO), Liaison to the Chamber of Commerce, and Liaison to the Human Services Commission's Executive Committee; and

WHEREAS, Doug Marrs served on the Fairview District Home Board from 2004 to 2011; and

WHEREAS, Doug Marrs worked tirelessly with Roanoke County, Franklin County, and the City of Salem to create the Western Virginia Regional Jail Authority and construct a facility to expand existing capacity for inmate housing for the four jurisdictions, and also served on the Human Resources Committee; and

WHEREAS, Doug Marrs' tenure on the Board of Supervisors included the undertaking of numerous capital projects including: a new courthouse, a public safety building, an Eastern Montgomery public safety building, a new Prices Fork Elementary School, Eastern Montgomery Elementary School, Blacksburg High School, Auburn High School and Auburn Middle School.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Board of Supervisors, on behalf of the entire citizenship, hereby extends a unanimous vote of appreciation and gratitude to **Doug Marrs** for his accomplishments and outstanding public service and dedication to the citizens of Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Doug Marrs** as a testimonial of the high esteem and appreciation in which he is regarded by the Board of Supervisors and that a copy be a part of the official minutes of Montgomery County.

ISSUE/PURPOSE: Resolution of Appreciation.

**C. SUBJECT: RESOLUTION OF APPRECIATION –
SUPERVISOR JOHN MUFFO**

**R-FY-12-
RESOLUTION OF APPRECIATION
JOHN A. MUFFO**

WHEREAS, *John A. Muffo* has served the citizens of Montgomery County as the representative of District G with dedication and integrity for 12 years, beginning his first term on the Board of Supervisors on January 1, 2000; and

WHEREAS, From 2000 through 2011 ***John A. Muffo*** has served on the Public Service Authority, the Road Viewers Board and has represented Montgomery County on various boards and commissions including the Metropolitan Planning Organization (MPO), and as Liaison to the Planning Commission; and

WHEREAS, *John A. Muffo* served on the Community Services Board from 2003 to 2011, and served as a member of the Social Services Board of Directors from 2007 to 2011; and

WHEREAS, *John A. Muffo* has been an active participant in the Virginia Association of Counties (VACo) and served on VACo's Community Development and Planning Steering Committee; and

WHEREAS, *John A. Muffo's* tenure on the Board of Supervisors included the undertaking of numerous capital projects including: a new government center, a new courthouse, a public safety building, an Eastern Montgomery public safety building, a new Blacksburg Middle School, Christiansburg Middle School, Prices Fork Elementary School, Eastern Montgomery Elementary School, Blacksburg High School, Auburn High School, and Auburn Middle School; and

WHEREAS, *John A. Muffo* supported conservation and recreation programs within the County, serving on the Parks and Recreation Commission prior to serving on the Board of Supervisors, and representing the Board as an alternate on the Resource Conservation and Development Council; and

WHEREAS, *John A. Muffo* actively supported the creation of the Huckleberry Trail, a walkway/bikeway following an abandoned railroad track connecting the County and the Towns of Blacksburg and Christiansburg, and recently served on the Ellett Valley Loop Trail Committee; and

WHEREAS, As a member of the Montgomery County Improvement Council, ***John A. Muffo*** participated in coordinating the County's annual

Broomin' n Bloomin' clean-up day held in the Spring by soliciting the help of private and public organizations and hundreds of volunteers to participate in cleaning up miles of roadside, streams, parks and illegal dump sites, which contributed to the beautification of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the Board of Supervisors, on behalf of the entire citizenship, hereby extends a unanimous vote of appreciation and gratitude to ***John A. Muffo*** for his accomplishments and outstanding public service and dedication to the citizens of Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***John A. Muffo*** as a testimonial of the high esteem and appreciation in which he is regarded by the Board of Supervisors and that a copy be a part of the official minutes of Montgomery County.

ISSUE/PURPOSE: Resolution of Appreciation.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORTS

1. Supervisor Brown
2. Supervisor Biggs
3. Supervisor Perkins
4. Supervisor Marrs
5. Supervisor Muffo
6. Supervisor Creed
7. Supervisor Politis

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Special Meeting
Thursday, December 8, 2011
6:00 p.m.

Regular Meeting
Monday, December 12, 2011
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting